

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 13 and 16-22 are pending in the application, with 13 and 16 being the independent claims. Claims 1-12, 14-15, and 23-24 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. No new claims are sought to be added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 102

Claims 1, 2, 4-6, 8, and 11-13 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by EP Patent 785750 ("the EP patent"). Applicants respectfully traverse. However, in order to further prosecution, Applicants have cancelled claims 1, 2, 4-6, 8, and 11-12. Thus, the rejection of claims 1, 2, 4-6, 8, and 11-13 is rendered moot.

Regarding claim 13, Applicants respectfully submit that the EP patent does not anticipate claim 13. Among other things, the EP patent does not teach or suggest a heater assembly attached to a surface of an electro-optical biometric image capturing system wherein the surface is outside the optical path of the image capturing system. As shown

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in Fig. 1 of the EP patent, light must travel through the heater assembly to image a finger.

Therefore, the heater assembly of the EP patent cannot be outside the optical path.

Reconsideration and withdrawal of the rejection of claim 13 are respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 3, 7, 9, and 10 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over the EP patent in view of JP1-205392 ("the Japanese patent").

Applicants respectfully traverse. However, Applicants have cancelled claims 3, 7, 9, and 10 in furtherance of prosecution. Thus, Applicants respectfully submit that the rejection of claims 3, 7, 9, and 10 is rendered moot.

Claims 14 and 15 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over the EP patent in view of U.S. Pat. No. 5,825,474 issued to Maase ("Maase"). Applicants respectfully traverse. However, Applicants have cancelled claims 14 and 15 in furtherance of prosecution. Thus, Applicants respectfully submit that the rejection of claims 14 and 15 is rendered moot.

Claims 16-24 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over the Japanese patent in view of U.S. Pat. No. 5,946,135 issued to Auerswald et al. ("Auerswald"). Applicants respectfully traverse. However, Applicants have cancelled claims 23 and 24 in furtherance of prosecution. Thus, Applicants respectfully submit that the rejection of claims 23 and 24 is rendered moot.

Regarding claim 16, Applicants respectfully submit that the combination of the Japanese patent and Auerswald does not teach or suggest the features present in claim 16. Among other things, the combination does not teach a first heater assembly coupled to a

first end of the prism, wherein the first end of the prism is located outside the light path, and a second heater assembly coupled to a second end of the prism, wherein the second end of the prism is located outside the light path. Figs. 1 and 2 of the Japanese patent show instead that the surface to which the heater assembly is attached is in the light path of the system. Reconsideration and withdrawal of the rejection of claim 16 are respectfully requested.

As claims 17-22 depend from claim 16, Applicants respectfully submit that claims 17-22 are patentable for at least the same reasons as discussed above with respect to claim 16. Reconsideration and withdrawal of the rejection of claims 17-22 are respectfully requested.

Conclusion

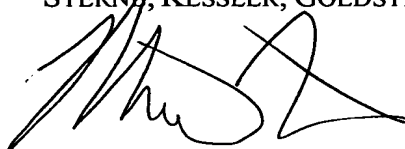
All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Prompt and favorable consideration of this Amendment and Reply is respectfully
requested.

Respectfully submitted,

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